

O'Brien, et al.

- 6 -

10/603,677

REMARKS

Claims 1 to 3 are pending in the application. Claims 1 to 3 are currently amended.

Applicants retain all rights to reintroduce cancelled or deleted subject matter in the claims in the present application or in any continuation, divisional, and continuation-in-part applications thereof.

Information Disclosure Statement

In item 3 of the Office Action, the Examiner alleged that the Information Disclosure Statement filed June 25, 2003, ("IDS") fails to comply with 37 C.F.R. § 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office, and allegedly fails to comply with 37 C.F.R. § 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The IDS has been placed in the application file, but the information referred to therein has not been considered.

Applicants respectfully traverse this objection on the grounds that the IDS complied with 37 C.F.R. § 1.98(d). Copies of any patent, publication, pending U.S. application, or other information, as specified in 37 C.F.R. § 1.98(a), were not required to be provided because copies were previously submitted to, or cited by, the Office in earlier applications and (a) the earlier applications were properly identified in the IDS and are relied on for an earlier effective filing date under 35 U.S.C. § 120 and (b) the IDS submitted in the earlier applications complied with 37 C.F.R. § 1.98(a)-(c).

Applicants filed a paper titled "Information Disclosure Statement" ("Paper") in the above-identified patent application. The earlier applications were properly identified in the Paper on pages 1 and 2, and were relied on for an earlier effective filing date under 35 U.S.C. § 121. The filing under 35 U.S.C. § 121 complied with the requirements of 35 U.S.C. § 120.

O'Brien, et al.

- 7 -

10/603,677

The Paper accompanied copies of Form PTO-1449 and three Forms PTO-892 from the parent application and one Form PTO/SB/08A and one Form PTO-892 from the first divisional application ("Forms"). The Forms complied with 37 C.F.R. § 1.98(a)-(c) in the earlier applications.

The Paper and Forms are collectively referred to herein as the IDS. For the reasons provided above, Applicants believe that the IDS complied with 37 C.F.R. § 1.98(d).

Accordingly, Applicants respectfully request that all references cited on Form PTO-1449 and three Forms PTO-892 from the parent application and one Form PTO/SB/08A and one Form PTO-892 from the first divisional application that were filed with the above-identified application be considered by the Examiner.

It is respectfully requested that all cited reference(s) considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

Claim Rejections - 35 U.S.C. § 112

In items 4 and 5 of the Office Action, Claims 1 to 3 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The variable X is defined as both S and S(O)_n, wherein n is 0 to 2. When n is 0, the variable X is redundantly defined as being equal to the sulfur atom twice, which allegedly renders ambiguity to these claims.

Claims 1 to 3 are amended to eliminate the redundancy, and thus Applicants believe the rejection is overcome.

O'Brien, et al.

- 8 -

10/603,677

Claim Rejections - 35 U.S.C. § 102

In items 6 and 7 of the Office Action, Claim 3 is rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Kanao et al. (Chemical Abstracts CAPLUS AN 83:108314). Kanao et al. allegedly teaches amino acid derivatives of fluorene compounds.

Applicants respectfully traverse the rejection on the grounds that Claim 3 is amended to delete the subject matter wherein X is CH₂, and thus the compound of Claim 3 is not a fluorene compound. Support for the amendment is found on page 7, at line 20, and on page 8, at lines 2, 5, and 6.

Conclusion

In view of the above amendments and remarks, Applicants believe that the IDS filed with the application complies with 37 C.F.R. § 1.98(a), Claims 1 to 3 are definite and patentable under 35 U.S.C. § 112, second paragraph, and Claim 3 is not anticipated by Kanao et al. and is thus patentable under 35 U.S.C. § 102(b). Applicants request consideration of the IDS and reconsideration of Claims 1 to 3.

The undersigned would welcome a telephone call from the Examiner to discuss any matters related to this case that the Examiner thinks are amenable to resolution by such discussion.

Respectfully submitted,

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